

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:16-cv-00310-MR-DLH**

ROBERT A. MULLINAX, Individually, )  
as Executor of the Estate of Jack )  
Junior Waugh, Deceased, )  
Plaintiff, )  
vs. )                                   O R D E R  
ADVANCE AUTO PARTS, INC., et al., )  
Defendants. )  
\_\_\_\_\_  
)

**THIS MATTER** is before the Court on the Notice of Bankruptcy Filing and Stay of Proceedings filed by the Defendant Georgia-Pacific LLC (now known as Bestwall LLC) (hereinafter “Bestwall”). [Doc. 245].

Bestwall has filed a notice with the Court indicating that it filed a voluntary bankruptcy petition under Chapter 11 of the United States Bankruptcy Code on November 2, 2017. It is well-settled that “[w]hen litigation is pending against the debtor at the time a bankruptcy case is commenced, the litigation is stayed automatically.” 3 Collier on Bankruptcy ¶ 362.03[3] (16<sup>th</sup> ed. 2014); see also 11 U.S.C. § 362(a)(1) (providing that a bankruptcy petition operates as an automatic stay of “the commencement or continuation . . . of a judicial, administrative, or other action or proceeding

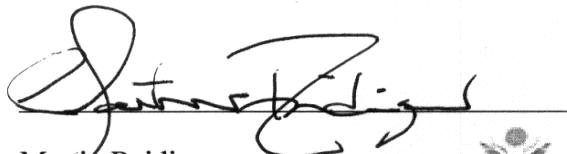
against the debtor"). Accordingly, the Court will consider this action stayed as to Bestwall only.

Accordingly, **IT IS, THEREFORE, ORDERED** that this action is hereby **STAYED** as to the Defendant Georgia-Pacific LLC (now known as Bestwall LLC) only until further Order of the Court. All other claims pending in this action remain unaffected by this stay.

**IT IS FURTHER ORDERED** that the parties shall file a status report with the Court every ninety (90) days until the bankruptcy proceeding is completed or the automatic stay is lifted, whichever comes first.

**IT IS SO ORDERED.**

Signed: November 14, 2017



Martin Reidinger  
United States District Judge

